

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. In March 2006 the petitioner's husband was not living in the petitioner's household. On March 16, 2006 the petitioner entered into a "Family Development Plan" (FDP) through Reach Up. The key component of the plan was for the

petitioner to begin 30 hours a week of community service placement (CSP) with the Town of Poultney on March 20, 2006.

3. In May 2006 the petitioner reported to the Department that her husband had returned to the household. At this time Reach Up received information from the Town of Poultney that from March 20 to April 28 the petitioner had only worked one 30-hour week at her CSP. Other weeks had varied between 6 and 24 hours worked. On May 23, 2006 the Department mailed the petitioner a letter scheduling a "conciliation" meeting with Reach Up on the afternoon of June 2, 2006.

4. Shortly thereafter the petitioner called her Reach Up worker and told her that she had a court hearing scheduled the morning of June 2. The worker told the petitioner that the Reach Up meeting was in the afternoon and that if her court appearance ran over its scheduled time the petitioner should provide her with a note from the Court to that effect.

5. A few days later the petitioner left a phone message with her Reach Up worker that she had to be in Maine on June 2 due to a death in her family, and she asked to reschedule the meeting "the following week". The worker noted that the petitioner's husband had a scheduled meeting with Reach Up on

June 8, so she assumed that the petitioner meant to attend that meeting with her husband.

6. Neither the petitioner nor her husband appeared at Reach Up on June 8, and neither called the Department. On June 8, the Reach Up worker sent the petitioner and her husband a notice scheduling conciliation meetings for both of them on June 14, 2006. The notice specifically informed the petitioner of the need to "bring documentation of 'Good Cause' for rescheduling the 6/2/06 appointment. If you have any questions about what constitutes 'Good Cause' documentation please call me in advance of you new appointment."

7. Neither the petitioner nor her husband appeared at the June 14 meetings and neither of them called Reach Up. At the end of the day on June 14 the Department sent the petitioner and her husband a notice that effective July 1, 2006 their RUFA grant would be subject to separate \$75-a-month sanctions for their failures to participate without good cause in Reach Up.

8. At a hearing held on August 29, 2006, the petitioner alleged that she and her husband were out of state on June 8 and 14, and she represented that they were both willing to participate in Reach Up. Inasmuch as the regulations allow

Reach Up participants to "cure" sanctions after two weeks of satisfactory participation in Reach Up, the hearing was continued for this purpose. The hearing officer advised the parties that if the petitioner and her husband returned to and satisfactorily participated in Reach Up, he would be inclined to favorably weigh their allegations regarding whether they had good cause for their failures to have attended their Reach Up meetings in June. The parties were further advised that if the petitioner and her husband did not meet Reach Up requirements in the future, it could adversely affect their credibility regarding the June meetings.

9. A hearing was held on September 26, 2006.¹ The petitioner admitted that her husband had refused, and continues to refuse, to "have anything to do with Reach Up".

10. For herself, the petitioner agreed that she met with her Reach Up worker on August 29, 2006 and agreed to start a new CSP placement by September 11, and to verify her participation of 30 hours per week in that placement by September 20.

11. The parties agree that on September 8, 2006 the petitioner called her Reach Up worker to report that she was

starting a paid job on September 11 that would reduce or eliminate the 30 hour a week CSP requirement. The worker reiterated the requirement to verify her work by September 20.

12. The petitioner did not contact Reach Up again until the hearing on September 26. She alleges that on September 17, she contacted her RUFA caseworker (not Reach Up) to report that she was having difficulty obtaining verification of the new job.

13. At the hearing the petitioner alleged that she had worked two days on the paid job but had been laid off—she thinks because she is pregnant. She stated that she has still not been able to obtain any verification regarding this job, and there is no allegation or indication that she ever followed through on obtaining a CSP job.

14. The Department's records show that the petitioner signed for certified mail on June 16, 2006. She alleges that when she returned from Maine she and her family were living in a tent without a car or phone, which made contacting the Department difficult. There is no indication that the petitioner made any effort to contact or participate in Reach

¹ The petitioner participated in this hearing by phone.

Up from June 2 through the date of her first hearing on August 29, 2006.

15. To date, the petitioner has not provided any verification of her CSP work in March and April,² the fact that she was out of state in early June, that she had a court hearing scheduled on June 8, or that she participated in any paid work or CSP in September.

16. Based on the above it cannot be found that either the petitioner or her husband ever had good cause to fail to meet any of the requirements of Reach Up to which they were subject from March 16, 2006 to the present.

ORDER

The Department's decisions are affirmed.

REASONS

Included in the "types of noncompliance" in the Reach Up regulations is the failure or refusal to "attend or participate fully in FDP activities." W.A.M. § 2370.1. FDP activities specifically include participation in Community Service Placement (CSP). W.A.M. § 2364.6. Section 2372 of the regulations provides: "If a participating adult,

² The petitioner alleges that the Town misreported the hours of her actual attendance on the job.

including a minor parent, fails to comply with services component requirements, the department shall impose a fiscal sanction by reducing the financial assistance grant of the sanctioned adult's family." The regulations further provide that the conciliation process shall be "determined unsuccessful when the individual . . . fails without good cause to respond to one written notice of a scheduled conciliation conference". W.A.M. § 2371.4. This regulation further provides that the sanction process begins when conciliation is unsuccessful. The initial (i.e., the first three months) sanction amount is \$75 a month per individual participant.³

As noted above, the petitioner does not dispute that her husband has refused all participation in Reach Up and that she herself has missed several deadlines regarding verification of her work and CSP activities, and that she did not attend conciliation meetings in June without advance notice or verified excuse. Even though she alleges that she was having difficulties with housing, phone, and

³ Sanction amounts can increase to \$150 a month after three months, and higher after one year. See W.A.M. § 2372.2. The petitioner is again advised that she can prospectively "cure" any ongoing sanction after she has satisfactorily participated in Reach Up for two weeks. See W.A.M. § 2373 *et seq.*

transportation during some of this time, there is no credible evidence that the petitioner has ever been prevented from verifying either her alleged meeting conflicts in June or her alleged participation in any work and CSE activities during this entire time. Inasmuch as the Department's decisions in this matter were in accord with the above regulations, they must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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